

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 7, 11 and 33 are currently being amended.

Claim 10 is canceled.

Claims 51 – 58 are currently being added

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 7-9; 11-18; 33 and 51-58 are now pending in this application.

Applicant thanks the for the telephonic interview on June 10, 2009 with the undersigned to discuss this amendment and reply. The Examiner indicated that the amendments appeared to overcome the rejections and it was agreed that the amendment would be formally filed.

Applicant brings to the Examiners attention that a typographical error “about a the rotational axis of the elongated device” in claim 51 was corrected to read “about a rotational axis.”

Additionally a new method claim 58 was added.

Claims 7-10, 12-13, 16, and 18 were rejected under 35 U.S.C. 102(e) as being anticipated by Plicchi et al. (US 2004/0254566). Plicchi et al. do not include every limitation of independent claim 7 and therefore does not anticipate claim 7. Specifically Plicchi et al. do not disclose a first main gear having a slot extending from an outer perimeter of the first main gear to the center of the first main gear. Further Plicchi et al. do not disclose a second main gear having a slot

extending from an outer perimeter of the second main gear to the center of the second main gear. Still further, Plicchi et al. do not disclose a first and second main gear having slots being aligned in a common plane in a first position, the elongated device being removably received into the linear drive through the first slot and second slot when the first and second gears are in the first position as recited in claim 7.

In contrast, in one embodiment illustrated in Figure 2 Plicchi discloses a plurality of gears with outer perimeters that are continuous and uninterrupted requiring the threading of a free end of the elongated device through a hollow center of each gear. In an alternative embodiment illustrated in Figure 3, all of the gears are continuous and uninterrupted and located above the linear drive such that the gears out of the path of the elongated device. Plicchi does not disclose a slot located within a gear to permit insertion of an intermediate portion of an elongated device from an outer perimeter of the gear to a center of the gear as recited in claim 7.

While Plicchi et al. does disclose a slot 24 in the support structure 23, there is no slot in a first gear that rotates the elongated device about its rotational axis as the first gear is rotated as recited in claim 7. Since Plicchi et al. do not disclose all of the elements of claim 7, Plicchi does not anticipate claim 7. Accordingly, it is requested that this rejection be withdrawn.

Claims 8-9, 12-13, 16, and 18 depend from claim 7 and are patentable over the cited references for at least the reasons stated above with respect to claim 7.

Note that claim 10 which originally included language regarding the slot was canceled. It is noted that the slot feature of claim 10 was not addressed in the Examiner's comments in the office action mailed March 10, 2009.

Claims 7-10, 12-13, 16-18 and 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (US 6,171234). It is submitted that White et al. do not teach, suggest or disclose the invention as recited in the claims and therefore the claims are patentable over the cited art. Specifically in connection with independent claim 7, White et al. do not

disclose any structure that “when the first main gear is rotated, the elongated device is rotated about the elongated device's axis of rotation” as recited in claim 7. White et al. only discloses a structure that translates the elongated device along its longitudinal axis and does not disclose any structure that rotates the elongated device about its axis of rotation. As illustrated in Figure 2 of White et al. the elongated device 30 is translated along its axis in the direction noted by arrow 32. There is no disclosure in White et al. of any structure that provides a rotational force that would rotate an elongated device 30 about its axis.

There are however other reasons that this rejection should be withdrawn. White et al. in addition to not disclosing rotating an elongated device about its rotational axis, White et al. also do not disclose a first gear and a second gear having slots extending from a perimeter of the gears to the center the gears configured to removably receive the elongated device into the linear drive as recited in claim 7. White et al. do disclose an alignment mechanism 20 with a slot, however the alignment mechanism 20 is not connected to the roller wheels and does not cause the roller wheels to rotate about the rotational axis of the elongated device as recited in claim 7. Rather, White et al. disclose roller wheels 12, 14 that rotate about their own axis in a fixed position relative to the elongated device.

Claims 8-9, 12-13, and 16-18 depend from claim 7 and are patentable over White et al. for at least the reasons noted above with respect to claim 7. As noted above claim 10 has been canceled.

Similarly, claim 33 is not unpatentable over the White et al. reference. As noted above, White et al. do not disclose a first main gear and a second main gear each having a slot extending from an outer perimeter of the gears to a center of the gears as recited in claim 33. Further, there is no disclosure in White et al. of any structure in which the elongated device is rotated about its rotational axis as recited in claim 33.

For the reasons noted above, it is requested that the rejection of claims 7-10, 12-13, 16-18 and 33 under 35 U.S.C. 103(a) be withdrawn.

Claims 11, and 14-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Plicchi or White in view of Merril et al. (US 2003/0176770). Claims 11 and 14-15 ultimately depend from claim 7. Merril does not provide the missing elements with respect to claim 7 as noted above. Specifically it is noted that there are no slots in any gears as recited in claim 7. In contrast Merril teaches the removal of the elongated device by using the “drive wheels driven by a motor or other device to permit the, practitioner to quickly exchange the current tool out of the working channel” (See paragraph 0006). Accordingly, it is requested that this 103(a) rejection be withdrawn.

Finally, claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Plicchi. Claim 17 depends from claim 7 and is patentable over Plicchi for at least the reasons noted above with respect to claim 7.

Claims 51-58 are patentable over the cited prior art and do not add any new subject matter. It is noted that claims 51-57 all require a device to impart rotational movement to an elongated device and include a gear having a slot extending from an outer perimeter to a center of the gear. It is submitted that claims 51 – 58 are in condition for allowance.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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